

WALPOLE ZONING BOARD OF APPEALS MINUTES OF JANUARY 13, 2021

A meeting of the ZONING BOARD OF APPEALS was held remotely via Zoom on WEDNESDAY, JANUARY 13, 2021 AT 7PM. The following members were present on the Zoom Webinar:

John Lee (Chair), Susanne Murphy (Vice-chair), Bob Fitzgerald (Clerk), Jane Coffey, Drew Delaney, Dave Anderson Ashley Clark (Community Development Director); George Pucci (KP Law); Sean Reardon (Tetra Tech); Judi Barrett (40B Consultant)

**Case No. 05-20, Wall Street Development Corp., Dupee Street (Map 35; Parcel 380-1), Comprehensive Permit pursuant to Massachusetts General Laws, Chapter 40B, Section 20 through 23 as amended, to allow the construction of twelve (12) duplex condominiums in six (6) buildings:**

Lee opened the hearing, present was Lou Petrozzi of Wall Street Development and Rob Truax of GLM Engineering. Sean Reardon of Tetra Tech stated he had received the applicants revised submissions, however, a lot of the issues previously mentioned in past peer review letters remain outstanding, with the major issue being a very narrow ROW of 27 ft. instead of the 46 ft. that is required, with a 20 ft. roadway. Reardon stated that the plans currently depict a long dead-end road with a modest means of fire access to turn around. Reardon stated that the stormwater essentially remains the same as previously described, with the same impervious surface even with the reduction in density due to the roofs of the single-family homes being larger than the roofs of the duplex structures. Reardon stated that the basin design remains unchanged, with a wall around the basin with a tight offset to the roadway. Reardon stated that he'd expect the basin to overtop at some point in time, and the proposed plan falls short of being safe or advisable. Reardon stated that he does believe there are changes the applicant can make regarding the stormwater that will reduce the burden on the basin itself, such as; infiltrating drywells for the roofs, making swale have check dams, or anything that will reduce the size of the pond and distribute the load in a better way throughout the site. Reardon stated that there are other outstanding issues addressed in the letter, however the items mentioned above are of the most importance to be addressed. Reardon stated the following with regards to fire access; a standard circular turnaround/ cul de sac would improve the plan and enable the fire trucks to turn around instead of backup to leave the area; the narrow roadway is unaccommodating to the Fire Dept.; the narrow right-of-way with closely positioned homes impacts the view to the street- which ultimately all compounds to a compromised access for emergency vehicles, as well as snow removal. Reardon stated that an important item that needs to be reconciled is the question of who owns the road and what portions of it, relating to snow removal, and what is and isn't the towns responsibility to clear. Mr. Petrozzi stated that there will be an association that deals with snow removal for the development. Reardon raised the question if the association would be removing the snow from the existing owners of Dupee St. or just the upper end of the roadway, in which Mr. Petrozzi stated that he has ongoing discussions with D.P.W. about the subject and what is equitable, and it is therefore unresolved. Mr. Petrozzi stated that it's most likely a half and half situation, however he wouldn't have any objections to clearing the whole road. Reardon stated that offering to plow the entire road would be the most practical option. Mr. Petrozzi stated that there is no plan for the roadway to be accepted by the town. Lee raised the concern of the people living on Sybil St. having legal access to Dupee St. also. Lee stated that a lighting plan was submitted, along with architectural plans showing models with different counts of bedrooms. Mr. Petrozzi stated that since the last ZBA hearing, he has met with the S&W Commission that has approved the project regarding the sewer and water connection, and also stated that the Fire Dept. has already issued comments in reference to the turn-around. Lee stated that the latest letter from the Fire Dept. is not based on the most current plans submitted, which will be needed, and advised Clark to schedule a meeting between the applicant, town staff, fire dept. and peer reviewer to help progress an acceptable layout re: fire access, etc.

Lee opened the hearing up to the public for comment, which included the following;

Tyler H. of 20 Victoria Cir.: privacy concerns regarding windows facing his backyard on the submitted architectural plans; concerns about further water issues impacting his property

Janis Selett of 257 High Plain St.: concerns over the roadway re: public safety of children walking to school.

James Doyle of 12 Victoria Cir.: concerns over impact of water from development onto his property; question regarding placement of water in the basin

Julie Sullivan of 24 Victoria Cir.: concerns regarding the elevation of the land compared to her property and any water runoff from Unit 8

Fitzgerald stated that it'd be ideal if the swale was to direct the water into the basin and into the stormwater system opposed to it infiltrating into an area that already has issues with water retention.

Murphy stated that the location of this project is one of the worst places with water issues within the town.

Ciaran Martyn of 16 Victoria Cir.: concern over the elevations of the proposed homes and the views of the future people who reside in them.

Lee stated that the architectural plans do not depict the rear elevations of the proposed units, and should be added. Reardon suggested having a cross section through Dupee St. to Victoras Circle relative to where the landscape buffer is going to fall compared to the swale. Lee stated that outstanding information that is still needed includes; the need comments from the Fire Dept. of the revised plans, comments addressing the peer review, rear elevations, comments from D.P.W., letter from Cliff re: architectural plans.

Katie & Chip Eibye of 62 Highland St.: concerns over the water when digging occurs during development.

Tyler H.: concern over area getting clear cut and creating safety issues for trees and proper privacy.

Ciaran Martyn: question regarding tree removal of his property

Barrett: stated her concern about getting updated comments from the Fire Dept. since it is a public safety issue.

Pucci stated that a conference call with the applicant, town staff and peer review take place before the next scheduled public hearing with a clear deadline of when information should be submitted by the applicant.

Lee made a list of action items that should be in place before the next public hearing, with a deadline of 2/3/21, which included the following;

1. Fire dept. comments
2. Peer review and Truax to address drainage issues
3. architectural plans that show the rear elevations (preferably all 4 sides)
4. section showing the grades;
5. D.P.W. comments on snow removal
6. comments by Cliff of Davis Sq. Architects

Murphy motioned to continue the hearing to 2/24/21 at 7PM via zoom, seconded by Coffey, roll call vote: Lee-aye; Fitzgerald-aye; Murphy-aye; Coffey-aye; Delaney-aye; Anderson-aye. The motion carried 6-0-0.

Lee directed Messier to reach out to KW Steel in order so set up a date and time specific for a site-walk of the property, at the convenience of KW steel on either Tuesday or Wednesday of the coming week.

**Minutes:** 11/9/20; 11/18/20; 11/30/20; 12/2/20; 12/21/20: Fitzgerald motioned to accept the minutes with the revisions discussed, seconded by Coffey, roll call: Lee-aye; Fitzgerald-aye; Coffey-aye; Delaney-aye; Anderson-aye. The motion carried 5-0-1 (Murphy abstained)

Murphy motioned to adjourn, seconded by Coffey, roll call vote: Lee-aye, Fitzgerald-aye, Coffey-aye; Murphy-aye, Delaney-aye, the motion carried 6-0-0.

**The meeting adjourned at 8:45 PM**

Accepted 2/11/21